

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JOSEPH THOMAS; VERNON AYERS;
and MELVIN LAWSON**

PLAINTIFFS

v.

NO. 3:18-cv-00441-CWR-FKB

**PHIL BRYANT, Governor of the State of
Mississippi; DELBERT HOSEMANN,
Secretary of State of the State of Mississippi;
and JIM HOOD, Attorney General of the
State of Mississippi, all in the official capacities
of their own offices and in their official
capacities as members of the State Board
of Election Commissioners**

DEFENDANTS

**MOTION TO CONVENE THREE-JUDGE DISTRICT COURT OR,
IN THE ALTERNATIVE, TO DISMISS FOR LACK OF JURISDICTION**

Come now defendants in this action and respectfully move this Court to convene a three-Judge District Court under 28 U.S.C. § 2284(a) or, in the alternative, to dismiss the complaint for lack of jurisdiction under Fed. R. Civ. P. 12(b)(1), and would show unto the Court in support thereof the following:

1. Defendants hereby request, pursuant to 28 U.S.C. § 2284(b)(1), that a District Court of three Judges be convened.
2. Because § 2284(a) is jurisdictional, this complaint must be dismissed unless a District Court of three Judges is convened.
3. Defendants seek this relief for the reasons set forth in the supporting brief filed concurrently herewith.

WHEREFORE, PREMISES CONSIDERED, defendants respectfully move that this Court convene a District Court of three Judges or, in the alternative, dismiss this complaint for lack of jurisdiction.

This the 24th day of January, 2019.

Respectfully submitted,

s/ Michael B. Wallace

MICHAEL B. WALLACE (MSB #6904)
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, MS 39205-0651
(601) 968-5534
mbw@wisecarter.com

ATTORNEY FOR DEFENDANTS PHIL
BRYANT, GOVERNOR OF THE STATE OF
MISSISSIPPI, AND DELBERT HOSEMANN,
SECRETARY OF STATE OF THE STATE OF
MISSISSIPPI

TOMMIE S. CARDIN (MSB #5863)
CHARLES E. GRIFFIN (MSB #5015)
BENJAMIN M. WATSON (MSB #100078)
B. PARKER BERRY (MSB #104251)
BUTLER SNOW LLP
Suite 1400 1020
Highland Colony Park
Ridgeland, MS 39157
Post Office Box 6010
Ridgeland, MS 39158-6010
Tel: (601) 985-4570
Fax: (601) 985-4500
E-mail: tommie.cardin@butlersnow.com
E-mail: charles.griffin@butlersnow.com
E-mail: ben.watson@butlersnow.com
E-mail: parker.berry@butlersnow.com

ATTORNEYS FOR ALL DEFENDANTS

OF COUNSEL:

DOUGLAS T. MIRACLE
MISSISSIPPI ATTORNEY GENERAL'S OFFICE
550 High Street, Suite 1200
P.O. Box 220 (39205)
Jackson, MS 39201
dmira@ago.state.ms.us

ATTORNEY FOR JIM HOOD, ATTORNEY GENERAL
OF THE STATE OF MISSISSIPPI

CERTIFICATE OF SERVICE

I, Michael B. Wallace, hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification to all counsel of record.

This the 24th day of January, 2019.

s/ Michael B. Wallace

Michael B. Wallace